

10/20/2015

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. October 20, 2015, pursuant to adjournment on October 13, 2015. Commissioners present were: Barth, Bender, Beninga, Heiberger, and Kelly. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairperson Heiberger called the meeting to order.

MOTION by Bender, seconded by Barth, to approve the agenda. 5 ayes.

MOTION by Beninga, seconded by Barth, to approve the October 13, 2015 County Commission minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Bender, to approve the following bills totaling \$277,185.88. 5 ayes.

A To Z World Languag	Attorney Fees	62.50	A To Z World Languag	Interpreters	7,567.50
Advance Auto Parts	Automotive/Sm	25.97	Alcohol Monitoring S	Alternatives	61.60
Allied Oil & Tire Co	Truck Repair/	6,013.64	Alvine & Weidenaar L	Attorney Fees	989.57
Avera Health Informa	Clinics - Aux	52.50	Avera Health Informa	Medical Recor	15.00
Avera McKennan Hospi	Blood Withdra	74.00	Avera McKennan Hospi	Hospitals	12,968.17
Bendorf Law Firm Pro	Attorney Fees	292.50	Boyce, Greenfield,Pa	Other Profess	7,300.00
Boyer Trucks Sioux F	Automotive/Sm	591.03	Bradfield, Matt Db	Maintenance C	70.00
Bureau Of Informatio	Contract Serv	5.30	Bureau Of Informatio	Telephone	504.80
Carlson, Lisa	Court Reporte	1,755.60	Carlson, Scott B Att	Attorney Fees	1,918.85
Cartridge World	Data Processi	1,044.17	Case, Dean	Attorney Fees	18.75
CBM Managed Services	Child Care Fo	2,816.12	Century Business Pro	Lease-Rental	240.57
Century Business Pro	Maintenance C	474.26	Centurylink (Qwest)	Contract Serv	13.40
Centurylink (Qwest)	Telephone	1,824.66	Certified Languages	Interpreters	7.25
Christopherson, Ande	Attorney Fees	162.00	Civil Process Unit-P	Return Of Ser	150.00
Cliff Avenue Auto Pa	Heavy Eq. Rep	52.10	Cole Papers, Inc.	Janitorial/Ch	83.47
Computer Forensic Re	Other Profess	1,400.00	Concrete Materials	Road Maint. &	3,407.07
Culligan Water Condi	Other Miscell	38.50	Curry, Aaron B.	Business Trav	73.50
Dakota Supply Group,	Building Repa	611.18	Deboer Law Office Pc	Attorney Fees	810.00
Duffy, Ryan	Attorney Fees	2,175.00	Dynamic Services Llc	Welfare Rent	500.00
Engquist, Molly J	Program Activ	210.00	First Premier Bank	Investigators	68.90
Fleetpride / Holt, I	Truck Repair/	18.45	Global Connect	Telephone	2.81
Goebel Printing, Inc	Office Suppli	119.90	Great Plains Psychol	Psych Evals	3,608.75
Gunner, Andrea	Court Reporte	305.80	Guzman, Sandra V.	Interpreters	150.00
Heartland Funeral Ho	Burials	1,000.00	Heeren-Graber, Krist	Expert Wines	550.00
Heimdal, Marie Ann	Court Reporte	26.60	HOV Services Inc	Microfilming	335.40
Hurtgen, Timothy T/P	Welfare Rent	1,500.00	I State Truck Center	Parts Invento	25.77
Interstate All Batte	Automotive/Sm	239.90	Interstate All Batte	Truck Repair/	338.85
Interstate Office Pr	Office Suppli	731.06	ISI Llc	Interpreters	160.00
Kennedy, Renee S	Court Reporte	74.80	Krumm, Jerome	Uniform Allow	98.99
Larson, Jeff	Attorney Fees	558.00	Leaf Inc.	Office Suppli	129.80
Lutheran Social Svcs	Alternatives	3,198.13	Lutheran Social Svcs	Interpreters	225.00
Med-Star Paramedic I	Transportatio	300.00	Medical Legal Analys	Other Profess	735.00
Meile-Rasmussen, Jac	Business Trav	29.40	Metro Communications	Clinics - Aux	810.00
Microfilm Imaging Sy	Contract Serv	3,650.40	MidAmerican Energy C	Natural Gas	299.47
MidAmerican Energy C	Welfare Utili	150.00	Miller Funeral Home,	Burials	1,000.00
Minn Cnty Human Svcs	Other Supplie	139.60	Minn Cnty JDC Petty	Other Miscell	99.67
Minn Cnty So Petty C	Education & T	50.00	Minn Cnty So Petty C	Gas,Oil,Diese	25.03
Minn Cnty So Petty C	Other Supplie	52.06	Minn Cnty So Petty C	Postage	0.49
Morse Correctl Healt	Contract Serv	1,200.00	Narem, Inc	Parts Invento	89.31
Natl Assn School Res	Memberships	40.00	Novak Sanitary Servi	Trash Removal	218.09
Nyhaug, Adam	Program Activ	210.00	Office Depot, Inc.	Data Processi	187.12
Office Depot, Inc.	Office Suppli	151.96	Phoenix Supply Llc	Child Care Un	1,453.39
Qualified Presort Se	Postage	3,371.97	Quill Corp.	Office Suppli	400.40
RDO Equipment Co.	Heavy Eq. Rep	572.22	Record Keepers, Inc.	Records Stora	2,308.64
Rounds Constr Comp I	Contracted Co	63,010.05	Ruben, Doris	Welfare Rent	350.00
Sachchidanand Hospit	Motels	45.00	Sanford Hosp USD Med	Education & T	250.00

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SD Assn Of County Of	Amounts Held	5,266.00	SD Dept Of Public Sa	Other Miscell	129.00
SD Dept Of Revenue	Lab Costs	70.00	SD Secretary Of Stat	Other Profess	30.00
SDN Communications	Data Communic	338.00	SDN Communications	Telephone	702.00
Security Labs Ltd	Maintenance C	325.00	Sentinel Offenders S	Alternatives	946.32
Sheehan Mack Sales &	Heavy Eq. Rep	219.97	Silverstone Group In	Property & Li	780.00
Sioux Falls City Fin	Bldg/Yard Rep	141.44	Sioux Falls City Fin	Gas,Oil,Diese	205.77
Sioux Falls Ford, In	Automobiles	27,245.00	Sioux Falls Humane S	Other Miscell	3,520.73
Sioux Falls Rubber S	Office Suppli	14.75	Skadsen, Nathan	Work Mileage	31.50
Solomon, Ghirmay	Interpreters	25.00	Southeastern Behavio	Other Miscell	42,367.00
Southeastern Behavio	Other Profess	650.00	St Francis House	Other Profess	319.93
Szameit, Alexandra	Interpreters	633.32	Taser International	Other Supplie	874.13
Taser International	2013 Jag Gran	155.82	Thomson Reuters - We	Legal Researc	1,702.81
Tires,Tires,Tires In	Automotive/Sm	2,036.78	Tires,Tires,Tires In	Gas,Oil,Diese	490.16
US Bank-Corporate Tr	Trust-Adminis	138.00	Variety Foods Llc	Other Profess	695.96
Variety Foods Llc	Other Supplie	39.24	Verizon Wireless	Communication	53.99
Verizon Wireless	Data Processi	1,270.99	Verizon Wireless	Electricity	53.99
Verizon Wireless	HIDTA Grant	193.99	Verizon Wireless	Safety & Resc	163.61
Verizon Wireless	Telephone	6,710.45	Volunteers Of Americ	Alternatives	21,679.59
Volunteers Of Americ	Other Profess	3,150.00	Xcel Energy, Inc.	Electricity	840.55
Xcel Energy, Inc.	Road Maint. &	26.60	Xcel Energy, Inc.	Welfare Utili	496.12
Zabel Steel Co.	Automotive/Sm	63.59	Zahrbock Kool, Tress	Attorney Fees	1,229.77
Zee Medical Service	Office Suppli	112.30			

REPORTS

The Register of Deeds Monthly Report of Fees Collected in September, 2015, and the Auditor’s Account with the County Treasurer as of September 30, 2015 were received and placed on file in the Auditor’s Office.

On Deposit in Banks	
Interest-bearing open account	15,794,791.64
CD’s and savings	15,000,000.00
Cash	17,867.00
Checks/drafts in Treasurer’s possession for more than 3 days	9,913.00
Total Cash On Hand	30,822,571.64
TASC adjustment (will clear by year-end)	21.78
Manual payroll withholding will clear in Oct.	(11.64)
Total Reconciled AS/400 Cash Balance	30,822,581.78

PERSONNEL

MOTION by Kelly, seconded by Barth, to approve the following personnel changes. 5 ayes.

1. To hire Jennifer Yankello as Caseworker I (16/2) for Human Services at \$20.25/hour effective 10/26/15.

Step Increases

1. Richard Dodge – Custodian – Museum – 6/14 to 6/15 – 10/21/15 – \$17.03/hour
2. Monica Honkamp – Senior Property Technician – Equalization – 12/5 to 12/6 – 10/3/15 – \$18.34/hour
3. Rebecca Bradfeldt – Caseworker I – Human Services – 16/9 to 16/10 – 9/25/15 – \$24.67/hour
4. Wyatt Walton – Correctional Officer – Jail – 13/11 to 13/12 – 8/21/15 – \$22.35/hour

Carey Deaver, Human Resources Director, presented the annual health and dental insurance premium review. Ms. Deaver recommended no increase for health insurance premiums in 2016 and a 4% increase in dental premiums to cover an expected rise in dental insurance plan costs of more than 9% in 2015. MOTION by

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Kelly, seconded by Bender, to approve no increase in the 2016 Minnehaha County Health Insurance Premium, and a 4% increase in 2016 Dental Premium. 5 ayes.

Carey Deaver, Human Resources Director, requested approval to schedule one or two health and dental premium holidays in December. Due to lower than expected health claim costs, the health fund currently has a balance of \$3.6 million. This is above this year's goal of \$3.2 - \$3.3 million reserve balance. Each health premium holiday would "cost" the health fund approximately \$201,000, and result in a savings of approximately \$136,000 to the general fund. Based on this, it is possible to offer at least one premium holiday in December and possibly two if the fund reserve balance is still at or above \$3.6 million. MOTION by Bender, seconded by Kelly, to authorize the scheduling of one health and dental premium holiday in December and possibly two if the fund reserve balance is still at or above \$3.6 million. 5 ayes.

Carey Deaver, Human Resources Director, recommended approval of a one-time lump sum payment to employees who have been topped out of the pay matrix since January 1, 2015 or earlier. This recommendation is to specifically address employees at the top of the pay matrix who are not affected by the two-year pay matrix transition where the first step in each pay grade is being eliminated and full time staff will move up one step in their current pay grade if they are not at the maximum of the range. MOTION by Kelly, seconded by Barth, to approve a one-time lump sum payment of \$500 to employees who have been topped out of the pay matrix since January 1, 2015 and a one-time lump sum payment of \$750 to employees who have been topped out of the pay matrix since January 1, 2015 or earlier on January 7, 2016. 5 ayes.

#### LIEN COMPROMISE

Commissioner Barth gave a briefing on a request for compromise of lien for DPNO 85671 in the amount of \$6,985.29. The lien is in the name of the applicant's husband and is for Public Defender services provided for him in 2014. He is currently incarcerated in the South Dakota State Penitentiary. The applicant is attempting to sell their home to pay off debts and create a sustainable economic situation for herself. She explained she does not have the resources to get divorced. The applicant is requesting a compromise and release of the lien in full only as it applies to the real property with no payment. The applicant lists assets in addition to the house of \$10,000 in personal property, a leased vehicle, and approximately \$1,700 in cash and savings. She lists liabilities of a \$25,000 line of credit to Wells Fargo and debts of \$16,624 to Bank of America, \$18,000 to Home Depot, and other debts totaling approximately \$5,800. The balance on her home mortgage is \$16,838. At the time her husband was incarcerated, they were in the process of remodeling their home and debts were incurred to finish the work and prepare the home for sale. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated there is a duty to support your spouse under our laws. MOTION by Barth, seconded by Bender, to deny the request for compromise of lien for DPNO 85671. 5 ayes.

#### APPEAL

Kevin Hoekman, Planner 1, gave a briefing on an appeal filed by Josh and Amanda Nelson, of a decision by the Minnehaha County Planning Commission to deny Conditional Use Permit (CUP) #15-61 to allow an event facility on the property legally described as Tract 3 (Ex H1) Krell's Addition SE ¼ SE ¼ Section 36-T101N-R51W, Wall Lake Township. The property is located approximately 3 miles west of Sioux Falls and adjacent to the south property line of Wild Water West amusement park. The petitioners are Josh and Amanda Nelson. The Planning & Zoning staff finds the proposed event facility is an appropriate use of the commercial land at this site, and recommends approval of the permit with the following conditions: 1) The property shall adhere to the submitted site plan and site plan narrative. 2) No outside storage shall be allowed at any time. 3) All outdoor lights shall be of shoe-box style, directing lights directly downward onto the property. 4) Building permits are required for all buildings. 5) Approval of access must be sought from the SD DOT for access to the property from SD Highway 17. Alternative access will require approval from the township that maintains 268<sup>th</sup> Street. 6) If access is approved onto SD Highway 17, then no public access shall be onto the property from 268<sup>th</sup> Street. 7) All applicable gravel driveways and parking areas shall have dust control product applied a

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minimum of once a year. In addition, the portion of 268<sup>th</sup> Street between SD Highway 17 and any approved public driveway access to the facility shall have dust control product applied a minimum of once a year. 8) The hours of operation for the public will be between 8:00 am and 12:00 am (midnight). Outdoor events and activities shall be limited to the hours of 9:00 am to 9:00 pm. 9) Event staff must be present at all events. On September 28, 2015, the Planning Commission voted to deny CUP #15-61 by a vote of 3 ayes to 2 nays. Amanda and Josh Nelson, 204 Park Drive, Lennox, SD, stated they will comply with all the recommended conditions from the Planning & Zoning Office, and spoke on their attributes for making this a successful business. The following opponents spoke against CUP #15-61: Leann and Kirk Walters, 46602 268<sup>th</sup> Street; Brian Brodie, 26791 Country Acres Drive; Kris Lair, 46578 268<sup>th</sup> Street; Darrell and Stacy Bleaker, 46575 268<sup>th</sup> Street; Ron Weber, 46631 Prairie Drive; and Noah Hodak, 46574 268<sup>th</sup> Street. Concerns expressed by the opponents included a negative impact on future farming, potential danger that alcohol and cigarettes may have on surrounding properties, traffic hazards, road condition and maintenance, noise from music, people leaving events and driving under the influence of alcohol, loss of the solitude of country life style, dust control issues, drainage concerns, no notification of the public hearing on the re-zoning of the property, and enforcement issues of the building code, speed limits, and the conditions of the CUP. Leann Walters presented a petition signed by fifteen (15) residents asking for a continued denial of the CUP, and read a letter of opposition written by a landowner who lives out of state, identified as one of the Krells. Dennis Dominiack, 26787 466<sup>th</sup> Ave., Sioux Falls, stated he applied to have his adjacent property re-zoned to commercial in 2004 or 2005, which was denied. Mr. Dominiack stated the reason for the denial was they didn't want commercial businesses developing farther south than Wild Water West. Rebuttal was given by Kevin Nelson, 46534 280<sup>th</sup> Street, stating he and Amanda spoke to area property owners about the proposed project in June which was prior to the rezoning. They also provided contact information and asked them to call Amanda if they had any concerns. No calls were received. Amanda and Josh Nelson responded to concerns stated by the opponents. Amanda Nelson stated that prior to the re-zoning and purchasing of the property, she spoke with and provided information packets on their proposed facility to Jack Dominiack, Leann Walters, Duane Bleaker, the Liars, and Marjorie Olson. Commissioner Beninga asked Kevin Hoekman if this property has any issues with the flood plain. Mr. Hoekman stated this property does not have a flood plain located on it. Commissioner Kelly asked Kevin Hoekman what other business would be allowed without requiring a CUP and what other business would be allowed with a CUP. Mr. Hoekman stated that a retail business under 10,000 square feet and indoor recreation facility would be allowed without a CUP, and with a CUP there could be contractor's storage yards, storage units, gas stations, c-store, car sales, among others. MOTION by Beninga, seconded by Bender, to overturn the Planning Commission's denial of the permit and approve CUP # 15-61 with the recommended nine (9) conditions including an amendment to condition 7) as follows: All applicable gravel driveways and parking areas shall have dust control product applied a minimum of once a year as needed. In addition, the portion of 268<sup>th</sup> Street between SD Highway 17 and any approved public driveway access to the facility shall have dust control product applied a minimum of once a year as needed. 5 ayes.

#### MEMORANDUM OF UNDERSTANDING

Robert Wilson, Assistant Commission Administrative Officer, gave a briefing on a Memorandum Of Understanding granting Concrete Materials Company access to fairground property for water pipe repair. The pipe runs 1,175 feet east to the west and is located approximately 760 feet south of the Madison Street curb line. A cave-in or blockage was located about 175 feet west of the east end of the pipe. Kersten Kappmeyer, Chief Civil Deputy State's Attorney, stated the agreement grants access to the property to make the repairs and doesn't grant any additional access. MOTION by Beninga, seconded by Kelly, to authorize the Chairperson to sign the Memorandum Of Understanding between Minnehaha County and Concrete Materials Company granting access to the fairground property to complete the repairs. 5 ayes.

#### REPORT

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Scott Wick, President and CEO of the Sioux Empire Fair Association, presented the 2015 Sioux Empire Fair Report. Mr. Wick reported attendance was up 14.5% over last year. A total of \$1,189,412 in expenses and \$1,316,567 in revenue resulted in a net income of \$127,155.

#### VEHICLE PURCHASES

Kyle Helseth, Director of Equalization, requested authorization to purchase one Chevy Impala off of the 2016 State Bid Contract #16865 with Beck Motors in Pierre at a cost of \$17,222 and one Chevrolet Traverse off of the State Bid Contract #16866 with Billion Motors in Sioux Falls at a cost of \$25,807. The vehicles will be delivered after January 4, 2016, and will be paid for through the Equalization Office approved FY 2016 budget. MOTION by Beninga, seconded by Bender, to approve the purchase of one Chevy Impala off of the 2016 State Bid Contract #16865 with Beck Motors in Pierre at a cost of \$17,222 and one Chevrolet Traverse off of the State Bid Contract #16866 with Billion Motors in Sioux Falls at a total cost of \$25,807. 5 ayes.

DJ Buthe, Highway Superintendent, requested authorization to purchase one 2015 GMC Yukon from Billion Automotive of Sioux Falls. The purchase will be made off of a Minnesota state contract for the purchase price of \$42,418. MOTION by Barth, seconded by Beninga, to authorize the purchase of one 2015 GMC Yukon from Billion Automotive of Sioux Falls from Contract A-175(5) competitively bid by the State of Minnesota in the amount of \$42,418. 5 ayes.

#### FINANCIAL PROJECTIONS

Carol Muller, Commission Administrative Officer, and Robert Litz, Auditor, gave a briefing on long term general fund financial projections. The projections were based on keeping staffing and services status quo, no new revenue streams, existing opt outs with a 20 year expiration were not assumed to be renewed, cash applied was not included, and the jail expansion project was not included. Projections indicate a shortfall beginning in 2018 and increasing yearly. By the year 2033 it is projected an opt out would be needed of approximately \$27 million or 29.22% of the general fund tax levy. The projections will be submitted to Legislators at the Legislative Summer Study meeting on October 28, 2015. Commissioner Beninga stated he feels the projections should include the impact of building and operating a new jail. Kim Adamson, Budget and Finance Officer, stated she has made arrangements to obtain more information on how projections from the architect were formulated, and she will do further analysis to include a jail expansion in the general fund projections. Sheriff Milstead spoke on projected operating costs and staffing requirements of a jail expansion.

Commissioner Beninga left the meeting.

#### REQUEST FOR PROPOSAL

Kersten Kappmeyer, Chief Civil Deputy State's Attorney, reported the Auditor's Office received the following proposals on September 29, 2015, for on-call Blood Draw Services: Premier Phlebotomy Group, \$105 Cost per Completed Draw, and \$105 Cost for Court Appearances; TestPoint Medical, \$120 Cost Per Completed Draw, \$120.00 Cost for Court Appearances, and \$60.00 Cancellation Fee. The State's Attorney's Office requested supplemental information from each vendor, which was received in the State's Attorney's Office. On October 19, 2015, the State's Attorney's Office received notification from Premier Phlebotomy that they were withdrawing their proposal. After reviewing the remaining proposal, the State's Attorney's Office is recommending acceptance of the offer from TestPoint Medical. Mr. Kappmeyer asked for the Commission to concur with the acceptance and offer an agreement for services with TestPoint Medical. MOTION by Barth, seconded by Bender, to concur with the State's Attorney's Office acceptance of the proposal from TestPoint Medical and offer an agreement for services consistent with the Request for Proposal. 4 ayes.

#### LIAISON REPORTS

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Commissioner Heiberger reported that she attended a Disproportionate Minority Contact conference.

NEW BUSINESS

Commissioner Barth commented that he lives near a large event location and is not bothered by it at all. At least a dozen baseball fields are ¼ mile south of his home and thousands of people are there playing games. He stated he can read a book in his back yard by the lights illuminating the fields. Commissioner Heiberger stated she lives three miles from an elevator that looks like a space ship taking off, and it doesn't bother her at all.

OLD BUSINESS

Robert Wilson, Assistant Commission Administrative Officer, reported that AVI will start installing new video/audio equipment after the October 27, 2015 commission meeting.

MOTION by Bender, seconded by Barth, to adjourn. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, October 27, 2015.

APPROVED BY THE COMMISSION:

Cindy Heiberger  
Chairperson

ATTEST:

Cynthia Jepsen  
Deputy Auditor